IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SMT JUSTICE T.MEENA KUMARI

and
HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 154 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/09/2003 in WP NO : 14333 OF 2003 on the file of the High Court.)

Between:

Jorrigala Anasuya D/o Narayana
R/o Kannepally Village, Beemani Mandal, Adilabad District

..... APPELLANT

AND

1 Secretary to Government, Government of A.P.,
Industries and Commerce Department,
Secretariat Buildings, Hyderabad
2 Principal Secretary to Government, Government of A.P.

Industries & Commerce Department,

Secretariat, Hyderabad
3 Chief Executive Officer,

A.P. Khadi and Village Industries Board,
Humayun Nagar, Hyderabad

.....RESPONDENTS

Counsel for the Appellant: MR.Y.ASHOK RAJ

Counsel for the Respondents.: GP FOR INDUSTRIES & COMMERCE

The Court made the following :

JUDGMENT(per Hon'ble Sri Justice S. Ananda Reddy)**:**

This writ appeal is filed by the writ petitioner aggrieved by the order of the learned single Judge in dismissing the writ petition, which was filed seeking a direction to the respondents to consider the case of the petitioner for appointment on compassionate grounds.

According to the learned counsel for the petitioner father of petitioner died while serving the 3rd respondent-organization in the year 1996. It is stated that the petitioner's father one Narayana, while working as Assistant Development Officer at Adilabad in 3rd respondent-organization, died on 2-4-1996 leaving behind him his wife and three unmarried daughters. Thereafter, the petitioner, who is one of the daughters of the said deceased officer, made an application on 1-1-1997 seeking appointment in 3rd respondent organization. As no action has been taken, the petitioner's mother filed another application on 30th September 2000 requesting 3rd respondent to appoint the petitioner as junior assistant. Even for that application also there was no response. Therefore, the petitioner filed the writ petition.

Learned single Judge dismissed the said writ petition on the ground that G.O.Ms.No. 36, Public Enterprises (III) Department, dated 5-9-2001 provides only payment of compensation and there was no provision for compassionate appointment. Aggrieved by that, the petitioner has come up with the present appeal.

At the time of hearing, learned counsel for the appellant contended that G.O.Ms.No.350, GAD (Serv.A) Department, dated 30.7.1999 was issued by the Government which was preceded by

G.O. Ms No.687, dt. 3-10-1977 and GOMs No.612 dated 30-10-1991. In fact, According to the learned counsel for the appellant G.O.Ms No. 350 dt 30-7-1999 is only a clarificatory, which clarified that even married daughters of a deceased can

also be considered for compassionate appointments. Therefore, the learned Counsel for the appellant contended that the view taken by the learned single Judge is not in accordance with the Government orders issued from time to time. and sought for quashing the same with a further direction to consider the case of the petitioner for appropriate appointment.

Learned Standing Counsel for 3rd respondent, however, contended that after G.O. Ms No.36, Public Enterprises (III) Department, dt. 5.9.2001 was issued, 3rd respondent is not under obligation to provide any employment, except to pay the monitory benefit provided under the said orders. Therefore, the appellant is not entitled to any relief.

Heard both sides and considered the material on record.

Admitted facts are that the petitioner's father one Naryana, who was working as Assistant Development Officer, died on 2-4-1996 leaving behind him his wife and three unmarried daughters. Thereafter, an application was made in 1997 itself seeking appointment on compassionate grounds, but the said application was not considered, though, under the scheme that was in existence as on that date, one of the dependants of the deceased officer is entitled for an appointment. Later, the petitioner's mother filed another application seeking appointment to the petitioner. In spite of it, there was no positive response from the respondents. Under the above circumstances, the petitioner has come with a writ petition.

Under the above circumstances, there was no justification on the part of 3rd respondent-organisation in not considering the application of the petitioner and not passing any orders in spite of reminders. In view of the same, the impugned order of the learned single Judge is set aside and the respondents are directed to consider the application of the appellant-petitioner on merits, in accordance with the Rules that are in existence as on the date of the death of the petitioner's father and as on the date of applications made on 1-1-1997 as well as 30-10-2000. The appellant-petitioner is also directed to make a fresh application, within a period of two weeks from today, with the authorities and the respondent-authorities are directed to consider the application, in accordance with the Rules existing as on the date of the death of the petitioner's father, and pass appropriate orders, within a period of six (6) weeks from the date of such application.

The writ appeal is allowed to the extent indicated above.

No costs.

(T. MEENA KUMARI, J)

Dt., 21-2-2005

(S. ANANDA REDDY, J)

To

1 The Secretary to Government, Government of A.P.,
Industries and Commerce Department,
Secretariat Buildings, Hyderabad
2 The Principal Secretary to Government, Government of A.P.

Industries & Commerce Department,

Secretariat, Hyderabad
3 The Chief Executive Officer,

A.P. Khadi and Village Industries Board,
Humayun Nagar, Hyderabad

4. Two CCs to GP for Industries & Commerce, High Court Buildings,

Hyderabad (OUT)

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